UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,755	03/29/2004	Rahul Khanna	42P18122	2846

7590   06/20/2008

R. Alan Burnett
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER
RUBIN, BLAKE J

ART UNIT	PAPER NUMBER
2157	

MAIL DATE	DELIVERY MODE
06/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/811,755	KHANNA ET AL.
	Examiner	Art Unit	
	BLAKE RUBIN	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/15/08*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-30* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *15 April 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to communications filed April 15, 2008.

2.   Claims 1- 30 are pending in this application. Claims 1, 5, 24, 25, 26, and 29 are

currently amended.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   **Claims 1, 8-20, 23-24, and 28-30 are rejected under 35 U.S.C. 102(e) as**

being anticipated by Goss et al. (U.S. Pub. No. 2005/0044207, hereinafter Goss).

5.   With respect to claim 1, Goss discloses a method, comprising:

collecting information pertaining to service capabilities (paragraph [0022], lines 4-

6) supported by each of a plurality of service processors (paragraph [0015], line 16)

used to service server management requests (paragraph [0019], lines 4-15) for a server

(paragraph [0015], lines 29-33), the services supported by each service processor

performed via execution of service code associated with that service processor

(paragraph [0035], line 15);

aggregating the service capabilities of the plurality of service processors into an

aggregated set of service capabilities (paragraph [0022], lines 4-13);

displaying a unified presentation of service capabilities corresponding to the

aggregated set of service capabilities to a service consumer (paragraph [0028], lines 1-

7); and

receiving from the user a command to select one of the plurality of the service

processors for management (paragraph [0028]).

6.   With respect to claim 8, Goss discloses the method of claim 1, wherein the

unified presentation of service capabilities is presented to the service consumer via a

BIOS-based application program interface (API) (paragraph [0015], lines 6-13;

paragraph [0021], lines 1-3).

7.   With respect to claim 9, Goss discloses the method of claim 8, wherein the

service consumer is a programmatic entity (paragraph [0036], lines 13-16) that

accesses services via the BIOS-based API (paragraph [0015], lines 6-13, paragraph

[0021], lines 1-3).

8.   With respect to claim 10, Goss discloses the method of claim 1, wherein the

operation of collecting the information pertaining to service capabilities supported by

each of a plurality of service processors comprises:

loading firmware drivers for each of the service processors (paragraph [0020], lines 1-2);

enumerating services provided by each service processor via the firmware driver for the service processor (paragraph [0017], lines 1-5); and

publishing the services that are enumerated to a BIOS unified presentation table (paragraph [0021], lines 1-2; paragraph [0028], lines 1-7).

9.   With respect to claim 11, Goss discloses the method of claim 10, wherein the operations are performed by firmware components configured in accordance with the extensible firmware interface (EFI) standard (paragraph [0021], lines 1-2).

10.   With respect to claim 12, Goss discloses the method of claim 1, further comprising:

enabling an end-user to set preferences for like services offered by more than one service processor (paragraph [0024]); and

in response to a service request (paragraph [0022], lines 10-13);

performing a corresponding service using a service processor with the highest preference from among the more than one service processor (paragraph [0025]).

11.   With respect to claim 13, Goss discloses the method of claim 12, wherein the end-user is enabled to set preferences (paragraph [0022], lines 10-13) via an interface

(paragraph [0015], line 13) that is presented to the end-user during a pre-boot phase for

the server (paragraph [0017], lines 5-7).

12.   With respect to claim 14, Goss discloses the method of claim 12, wherein the

end-user is enabled to set preferences (paragraph [0022], lines 10-13) via an interface

(paragraph [0015], line 13) that is presented to the end-user during an operation system

runtime phase for the server (paragraph [0028]).

13.   With respect to claim 15, Goss discloses an article of manufacture, comprising:

          a machine-readable medium that provides instructions (paragraph [0035], lines

13-16) that, if executed by a processor in a server (paragraph [0015], lines 15-21), will

cause the server to perform operations including,

               aggregating service capabilities (paragraph [0022], lines 4-13) supported

          by each of a plurality of service processors (paragraph [0015], line 16) used to

          service server management requests (paragraph [0019], lines 4-15) for the

          server via execution of associated service code (paragraph [0035], line 15); and

               providing a unified presentation of service capabilities corresponding to

          the aggregated set of service capabilities to a service consumer (paragraph

          [0028], lines 1-7).

14.   With respect to claim 16, Goss discloses the article of manufacture of claim 15,

wherein the article comprises a non-volatile storage device (paragraph [0035], line 10).

15.   With respect to claim 17, Goss discloses the article of manufacture of claim 15,

wherein the instructions comprise a portion of the BIOS (basic input/output system)

code for the server (paragraph [0021], lines 1-3).

16.   With respect to claim 18, Goss discloses the article of manufacture of claim 15,

wherein execution of the instructions further performs operations including:

        loading firmware drivers for each of the service processors (paragraph [0020],

lines 1-4), each firmware driver to enumerate services supported (paragraph [0017],

lines 1-7) via execution of service code by the service processor to which the firmware

driver corresponds (paragraph [0035], lines 13-16); and publishing the services that are

enumerated to a BIOS unified presentation (BUP) table (paragraph [0021], lines 1-3;

paragraph [0028], lines 1-7).

17.   With respect to claim 19, Goss discloses the article of manufacture of claim 18,

wherein execution of the instructions performs the further operation of publishing an

application program interface (paragraph [0015], line 13) via which a software entity

running on the server during an operating system runtime phase (paragraph 0021], lines

3-5) for the server is enabled to access data in the BUP table (paragraph [0022], lines

16-19).

18.   With respect to claim 20, Goss discloses the article of manufacture of claim 15,

wherein the instructions comprise firmware instructions corresponding to firmware

components configured in accordance with the extensible firmware interface (EFI)

standard (paragraph [0021], lines 1-2).

19.   With respect to claim 23. The article of manufacture of claim 15, wherein

execution of the instructions further performs operations including: enabling an end-user

to set preferences for like services offered by more than one service processor

(paragraph [0017], lines 16-22); and in response to a service request (paragraph [0022],

lines 10-13); performing a corresponding service using a service processor with the

highest preference from among the more than one service processors (paragraph

[0025]).

20.   With respect to claim 24. A server (paragraph [0015], line 16), comprising: a main

processor (paragraph [0015], lines 19-21); a non-volatile storage device (paragraph

[0035], line 10) in which BIOS instructions are stored (paragraph [0021], lines 1-3),

communicatively-coupled to the main processor (paragraph [0017], lines 1-5); at least

one service processor (paragraph [0015], lines 29-33), communicatively-coupled to the

main processor (paragraph [0017], lines 1-5); and for each of the at least one service

processor, a non-volatile storage device (paragraph [0035], line 10) in which firmware is

stored (paragraph [0017], lines 1-5), the firmware to be executed by the corresponding

service processor to perform server management services (paragraph [0017], lines 1-

12), wherein the BIOS instructions, when executed by the main processor, perform

operations including: aggregating service capabilities supported by each of the at least

one service processor via execution of firmware corresponding to that service processor

(paragraph [0022], lines 4-13); and providing a unified presentation of service

capabilities corresponding to the aggregated set of service capabilities to a service

consumer (paragraph [0028], lines 1-7).

21.   With respect to claim 28, Goss disclose the server of claim 24, wherein execution

of the instructions performs further operations including: loading firmware drivers for

each of the at least one service processors (paragraph [0020], lines 1-4), each firmware

driver to enumerate services provided by the service processor to which it corresponds

(paragraph [0017], lines 1-7); and publishing the services that are enumerated to a

BIOS unified presentation table (paragraph [0021], lines 1-3; paragraph [0028], lines 1-

7).

22.   With respect to claim 29, Goss disclose the server of claim 24, wherein execution

of the instructions performs further the operation of publishing an application program

interface (paragraph [0015], line 13) via which a software entity running on the server

(paragraph [0035], line 13-16) during an operating system runtime phase (paragraph

[0020], lines 6-7) for the server is enabled to access data in the BUP table (paragraph

[0021], lines 1-3; paragraph [0028], lines 1-7).

23.   With respect to claim 30, Goss disclose the server of claim 24, wherein execution

of the instructions performs further operations including: enabling an end-user to set

preferences (paragraph [0017], lines 16-22) for like services offered by more than one

service processor (paragraph [0024]); and in response to a service request (paragraph

[0022], lines 10-13); performing a corresponding service using a service processor with

the highest preference from among the more than one service processors (paragraph

[0025]).

Claim Rejections - 35 USC § 103

24.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

25.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

26.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating
          obviousness or nonobviousness.

27.   Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss, as applied to claim 1 above, in view of Spring (U.S. Patent No. 6,549,943).

28.   With respect to claim 2, Goss discloses the method of claim 1, further comprising: collecting the information (paragraph [0022], lines 4-6) pertaining to and aggregating the service capabilities (paragraph [0022], lines 4-13) supported by the plurality of service processors (paragraph [0015], line 16) during a pre-boot phase (paragraph [0017], lines 6) for the server (paragraph [0015], lines 29-33); and providing the unified presentation of service capabilities to an end-user (paragraph [0028], lines 1-7). But does not disclose presenting text or graphically based interfaces.

29.   However, Spring discloses presenting to an end-user one of a text-based or graphical user interface (column 22, lines 32-36, Figure 7). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Goss with the teachings of Spring. The motivation to do so being, to provide the end-user with a visual display of the capabilities.

30.   With respect to claim 3, Goss discloses the method of claim 2, wherein the unified presentation of service capabilities are provided to the end-user during the pre-boot phase (paragraph [0017], lines 6).

31.   With respect to claim 4, Goss discloses the method of claim 2, wherein the unified presentation of service capabilities (paragraph [0028], lines 1-7) are provided to

the end-user during an operating system runtime phase for the server (paragraph

[0029]; whereby "prior to the system boot (i.e., being re-booted)" is the operating system

runtime phase).

32.   **Claims 5, 22, and 25-26 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Goss, as applied to claims 1, 15, and 24 above, in view of Chen

et al (U.S. Patent No. 6,591,324, hereinafter Chen).

33.   With respect to claim 5, Goss discloses the method of claim 1, but fails to

disclose an add-in card. However, Chen discloses wherein the server (column 4, line

24) includes at least one add-in service processor (column 4, lines 5-9) hosted by an

add-in card that installed in the server (column 3, lines 33-35). It would have been

obvious to one skilled in the art at the time the invention was made to combine the

teachings of Goss with the teachings of Chen. The motivation to do so being, to allow

for the expansion of the server to include add-in cards for expanded functionality.

34.   With respect to claim 22, Goss discloses the article of manufacture of claim 15,

updating the unified presentation of service capabilities provided to the service

consumer (paragraph [0028], lines 1-7) to reflect a removal of services offered

(paragraph [0017], lines 16-22). But fails to disclose an add-in card.

35.   However, Chen discloses the server (column 1, lines 11-13) supports runtime

removal (column 4, lines 5-15) of hot-swap cards (column 3, lines 25-27) that host at

least one add-in processor (column 4, lines 5-15), and wherein execution of the

instructions, including: detecting that a hot-swap card hosting at least one processor

has been removed from the server while the server is running (column 4, lines 5-15).

36.   It would have been obvious to one skilled in the art at the time the invention was

made to combine the teachings of Goss with the teachings of Chen. The motivation to

do so being, to provide the uninterrupted service to the server during the add-in service

processor card uninstallations (Chen: column 4, lines 5-15), while maintaining an up to

date inventory of the servers capabilities (Goss: paragraph [0028], lines 1-7).

37.   With respect to claim 25, Goss discloses the server of claim 24, further

comprising: a management bus (paragraph [0020], lines 1-6), to communicatively-

couple an service processor to the main processor (paragraph [0020], lines 1-6), and

wherein execution of the BIOS instructions perform further operations (paragraph

[0021], lines 1-3), including, updating the unified presentation of service capabilities

provided to the service consumer to reflect any additional services supported by the at

least one service processor is added (paragraph [0028], lines 1-7). But fails to disclose

an add-in card.

38.   However, Chen discloses an add-in processor (column 3, lines 28-44) hosted by

a hot-swap add-in card to the main processor (column 3, lines 28-44), and collecting

information pertaining to service capabilities for at least one add-in service processor

hosted by a hot-swap card that is added to the server while the server is running

(column 4, lines 5-15).

39.   It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Goss with the teachings of Chen. The motivation to do so being, to provide the uninterrupted service to the server during the add-in service processor card installations (Chen: column 4, lines 5-15), while maintaining an up to date inventory of the servers capabilities (Goss: paragraph [0028], lines 1-7).

40.   With respect to claim 26, Goss discloses the server of claim 25, wherein execution of the BIOS instructions performs further operations including: detecting that a service processor has been removed from the server while the server is running (column [0017], lines 16-22); and updating the unified presentation of service capabilities provided to the service consumer to reflect a removal of services offered by the at least one service processor hosted by the card that are not offered by any remaining service processor (paragraph [0028], lines 1-7). But fails to disclose an add-in card.

41.   However, Chen discloses detecting that a hot-swap card (column 3, lines 25-28) hosting at least one add-in processor (column 3, lines 37-44) has been removed from the server while the server is running (column 4, lines 5-15).

42.   It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Goss with the teachings of Chen. The motivation to do so being, to provide the uninterrupted service to the server during the add-in service processor card uninstallations (Chen: column 4, lines 5-15), while maintaining an up to date inventory of the servers capabilities (Goss: paragraph [0028], lines 1-7).

43.   **Claims 6-7 and 21 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Goss in view of Chen, and further in view of Chrabaszcz (U.S.

Patent No. 6,212,585).

44.   With respect to claim 6, the claim is rejected for the same reasons as claim 5

above. In addition, Goss further discloses collecting additional information pertaining to

service capabilities (paragraph [0022], lines 4-6) and updating the unified presentation

of service capabilities provided to the service consumer to reflect any additional

services supported (paragraph [0028], lines 1-7), and Chen discloses an add-in service

processor (column 4, lines 5-9). But the combination of Goss and Chen fail to disclose

an add-in service processor and associated service code in the add-in service

processor.

45.   However, Chrabaszcz discloses associated service code (column 9, lines 15-19)

hosted by a hot-swap card that is added to the server (column 5, lines 1-3) while the

server is running (column 1, lines 28-34).

46.   It would have been obvious to one skilled in the art at the time the invention was

made to combine the teachings of Goss and Chen with the teachings of Chrabaszcz.

The motivation to do so being, to provide the uninterrupted service to the server during

the add-in service processor card installations (Chrabaszcz: column 1, lines 28-34),

while maintaining an up to date inventory of the servers capabilities (Goss: paragraph [0028], lines 1-7).

47.   With respect to claim 7, Goss and Chen discloses the method of claim 5. Goss discloses updating the unified presentation of service capabilities provided to the service consumer (paragraph [0028], lines 1-7) to reflect a removal of services offered (paragraph [0017], lines 16-22), and Chen discloses an add-in service processor (column 4, lines 5-9). But the combination of Goss and Chen fail to disclose associated service code.

48.   However, Chrabaszcz discloses associated service code (column 9, lines 15-19) has been removed from the server (column 5, lines 1-3) while the server is running (column 1, lines 28-34).

49.   It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Goss and Chen with the teachings of Chrabaszcz. The motivation to do so being, to provide the uninterrupted service to the server during the add-in service processor card uninstallation (Chrabaszcz: column 1, lines 28-34), while maintaining an up to date inventory of the servers capabilities (Goss: paragraph [0028], lines 1-7).

50. With respect to claim 21. Goss discloses the article of manufacture of claim 15, collecting additional information pertaining to service capabilities for at least one service processor (paragraph [0022], lines 4-6) and updating the unified presentation of service capabilities provided to the service consumer to reflect any additional services supported (paragraph [0028], lines 1-7). But fails to disclose an add-in service processor and associated service code.

51. However, Chen discloses the server (column 1, lines 11-13) supports runtime installation (column 3, lines 3-8) of hot swap cards (column 3, lines 24-33) that host at least one add-in processor (column 3, lines 37-44) while the server is running (column 3, lines 3-8).

52. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Goss with the teachings of Chen. The motivation to do so being, to allow for the expansion of the server to include add-in cards for expanded functionality.

53. The combination of Goss and Chen fail to disclose associated service code in the add-in processor. However, Chrabaszcz discloses associated service code (column 9, lines 15-19) hosted by a hot-swap card that is added to the server (column 5, lines 1-3) while the server is running (column 1, lines 28-34).

54.   It would have been obvious to one skilled in the art at the time the invention was

made to combine the teachings of Goss and Chen with the teachings of Chrabaszcz.

The motivation to do so being, to provide the uninterrupted service to the server during

the add-in service processor card installations (Chrabaszcz: column 1, lines 28-34),

while maintaining an up to date inventory of the servers capabilities (Goss: paragraph

[0028], lines 1-7).

55.   Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Goss, with respect to claim 24 above, in view of Hawkins et al (U.S. Publication

No.2003/0130969 hereinafter Hawkins).

56.   With respect to claim 27, Goss discloses the server of claim 24, but fails to

disclose a baseboard management controller.

57.   However, Hawkins discloses wherein the at least one service processor

comprises a baseboard management controller (paragraph [0015], lines 1-4). It would

have been obvious to one skilled in the art at the time the invention was made to

combine the teachings of Goss with the teachings of Hawkins. The motivation to do so

being, to monitor the functionality of out of band management controllers (instant

application: page 1, lines 21-24).

Response to Arguments

58.   Applicant's arguments filed April 15, 2008 have been fully considered but they
are not persuasive.

59.   With respect to claims 1, 15, and 24, applicant argues that the Gross reference
fails to teach the inventive concept incorporating, "each of a plurality of service
processors." The examiner respectfully disagrees. The applicant is directed to
paragraph [0015], lines 29-32, where Goss reads, "the term platform encompasses
processors, and other integrated circuits that provide initialization, diagnostic, and
server functionality." The "processors" described by Gross anticipate the "service
processors" in the instant application.

60.   With respect to claims 1, 15, and 24, applicant further argues that the Goss
reference fails to teach, "aggregating the service capabilities of the plurality of service
processors into an aggregated set of service capabilities". The examiner respectfully
disagrees. The applicant is directed to paragraph [0017], where Goss reads, "In other
embodiments of the data processing system 100 (not shown), the discover components
115 and the system management user interface 120 may be components of the service
processor 105. The system configuration application 125 is configured for enabling
functionality such as system component discovery, system component analysis and
platform operating system configuration to be carried out." The system components of
Goss, each individually acting as an extension of the service processor, whereby each

can be viewed as its own service processor, accumulate the service capabilities into "system component analysis."

61.   With respect to claim 24, applicant argues that the Goss reference fails to teach a, "main processor". The examiner respectfully disagrees. The applicant is directed to paragraph [0015], lines 29-32, where Gross anticipates multiple "main processors" working in conjunction with multiple service processors, even though they aren't included in Figures 2-4.

62.   With respect to the publication date of Gross, applicant argues that the reference be disqualified, as it applies to the 103 rejection, as a result of its publication being after the filing date of the instant application. The examiner respectfully disagrees. The applicant is reminded that the 102(e) of Goss (July 28, 2003) is effective for 103 rejections.

Conclusion

63.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

64.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to BLAKE RUBIN whose telephone number is (571) 270-

3802. The examiner can normally be reached on M-R: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJR

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157